

## REMARKS

This Response is to the Non-Final Office Action of December 15, 2008 and in accordance with the telephone interview of December 10, 2008.<sup>1</sup> Claims 1, 5 and 6 have been amended. Applicants do not believe any fees are due in connection with this Response. However, please charge Deposit Account No. 02-1818 for any amounts due.

Claims 1 and 3 to 6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,671,563 to Engelson et al. ("*Engelson*").

During the December 10, 2008 interview, Applicants' representative and the Examiner generally discussed *Engelson* in view of Claim 1. It was agreed during the interview that Applicants would further clarify the storage and comparison of data by the handheld computing device, and the communication of medication delivery instructions to a medication delivery device by the handheld computing device. Applicants have made such amendments herein.

Amended Claim 1, for example, includes the handheld computing device reading the prescribed medication data and medication delivery instruction from the first label and *storing the prescribed medication data and medication delivery instruction*; the handheld computing device reading the patient data from the second label and *storing the patient data*; the handheld computing device comparing the stored prescribed medication data to the stored patient data and confirming a match between the stored prescribed medication data and the stored patient data; the handheld computing device communicating the stored medication delivery instruction *from the first label* to a medication delivery device; and the medication delivery device storing the medication delivery instruction and delivering the medication to the patient.

*Engelson* generally discloses a care management system including a barcode reader that reads a barcode 175 on a patient ID bracelet and a barcode 182 on a drug container. (See *Engelson*, column 13, lines 25 to 32). The information on the barcode 182 of the drug container, however, is not communicated and downloaded to the medical delivery device. Instead, the information from the drug container is analyzed by a medication administration management software module 110 to determine whether there is a discrepancy between the information read and pre-stored information. (See *Engelson*, column 13, lines 49 to 60). When the medication administration management software module 110 completes its analysis, the care management

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<sup>1</sup> Applicants respectfully note that the Interview Summary dated December 17, 2008 indicates the interview was conducted on September 10, 2008 instead of the interview date of December 10, 2008.

system automatically downloads information consisting of configuration parameters from the pharmacy CPU into a local area network, into the bedside CPU and then into the medical delivery device. (See *Engelson*, column 14, lines 4 to 13).

While *Engelson* discloses a portable computer 235, *Engelson* does not teach or suggest that the portable computer independently stores medication data read from a first label and patient data read from a second label and compares the medication data to the patient data. Rather, in *Engelson*, prescription data is compared to patient data by the *medical administration management module*: “[t]he data obtained then is analyzed by the medication administration management module 110.” (Col. 13, lines 49 to 50).

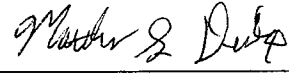
Additionally, nowhere does *Engelson* disclose that a portable computer or any handheld device is used to read medication delivery instructions *from a first label* and communicate the instructions to a medication delivery device, which then stores the instructions and administers medication to a patient. Instead, *Engelson* discloses that medication delivery instructions are downloaded by the bedside CPU: “the care management system automatically downloads information consisting of the appropriate configuration parameters for the infusion *from the pharmacy CPU* 60 through the local area network 50 into the bedside CPU 80 and then into the infusion pump 92 [emphasis added].” (Col. 14, lines 7 to 11). In step (g) of Claim 1, for example, the medication delivery instruction is the instruction *from the first label*, *not* from a pharmacy CPU.

The claimed method enables an entirely *localized* process. When practicing the claimed method, there is no need to access a central computer system to access medication delivery instructions, as such information is on the first label and provided to the medication delivery device *by the handheld computing device*. In *Engelson*, the delivery instructions for the medical device are separate and apart from the information read from the barcode 182 on the drug container. For at least these reasons as discussed during the telephone interview, Applicants respectfully request that the rejection of Claims 1 and 3 to 6 under 35 U.S.C. § 102(e) over *Engelson* be withdrawn.

Applicants respectfully submit that this case should be in condition for allowance. Examiner is invited to contact the undersigned Attorney for the Applicants via telephone if such communication would expedite the allowance of this application.

Respectfully submitted,

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